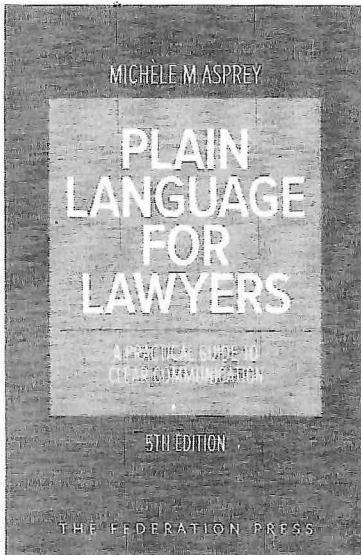


Book review:

Michèle M Asprey's *Plain Language for Lawyers: A Practical Guide to Clear Communication*



Fifth Edition, The Federation Press, 2024,
352 pages

ISBN: 9781760024963

<https://federationpress.com.au/product/plain-language-for-lawyers-5ed/>

Reviewed by Joseph Kimble,
United States

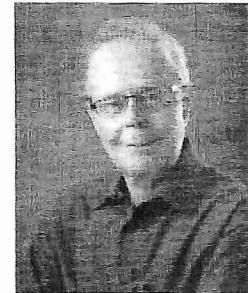
You would be hard-pressed to find a more compelling, comprehensive book on plain language than this one. Or one that brings together such a rich array of sources, both legal and nonlegal. Or one written in a more engaging style:

Legalese is often as difficult for lawyers to read as it is for lay people. . . .

Sometimes we blame our skills as a reader, when it is really the writer who is at fault. Young or inexperienced lawyers reading traditional legal writing can find themselves seriously doubting their powers of comprehension. They despair that they will ever be able to read legal writing without experiencing pain.

Why put up with the pain? The sense of liberation that using plain language can bring is tremendous. I hope that this book helps to liberate you.

The liberation begins with the second chapter, "What is plain language?" It's not drab, not a new kind of language, not baby talk, etc., etc. Then comes the chapter "Why plain language?" which is chock-full of evidence to support its value and effectiveness. Most of the rest of the book is devoted to plain-language principles and techniques—the fundamentals, overall structure, words, grammatical structures to avoid, a plain-language vocabulary, document-design basics, designing for the computer screen, and more. The final chapters deal with testing, questions that skeptics might have, and (in a "Supplement") plain language around the world. Each chapter is divided into multiple subparts. Each is replete with good advice and telling examples. And most end with a helpful bulleted summary.



Joseph Kimble taught legal writing for more than 30 years at Cooley Law School. He is now a Distinguished Professor Emeritus. He has lectured throughout the United States and abroad; published many articles on legal writing; and written four books, including the second edition of *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law*, and (with Bryan Garner) *Essentials for Drafting Clear Legal Rules* (free online). He is senior editor of *The Scribes Journal of Legal Writing*, the longtime editor of the "Plain Language" column in the *Michigan Bar Journal*, and a past president of Clarity. Since 1999, he has been a drafting consultant on all U.S. federal court rules. He has received a number of national and international awards for his work.

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Asprey is a master in the plain-language field.

All references to cases, legislation, articles, book editions, research, and URLs have been updated as necessary.

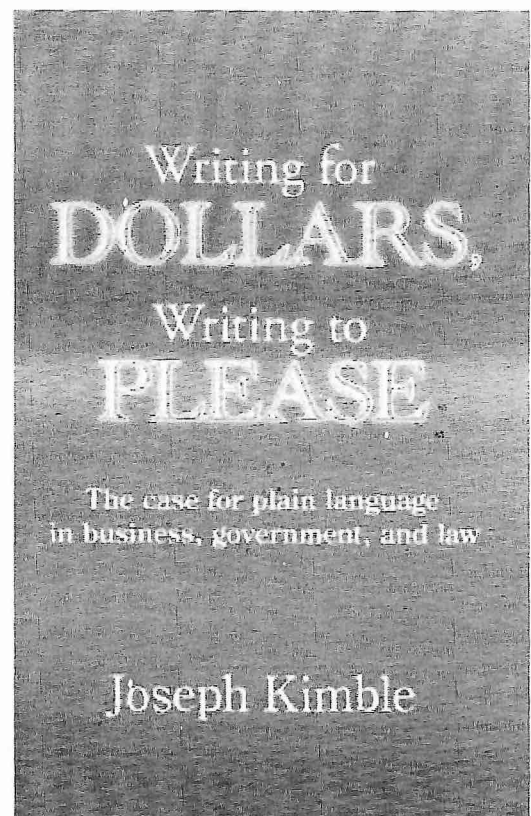
Just to give you an idea of the book's currency and coverage, take the chapter called "Legal writing in the digital age." Among other things, it touches on various aspects of email and texting, online typefaces, emojis, abbreviations, artificial intelligence, potential liability for international defamation (with recent cases in different countries), and the implications of all this for plain language: in short, "Informality does not necessarily produce plain language communication." And Asprey quotes William Zinsser's admonition that these newer marvels "may make writing twice as easy in the next 30 years," but "they won't make writing twice as good. That will still require plain old hard thinking." We will see.

Asprey is a master in the plain-language field, which she has now worked in for several decades. (I first met her at an international conference in 1992.) You can find books and articles that cover individual subjects in more detail than hers, but very few (if any) that cover our field so completely and with such an experienced, discerning eye. Although the book is mainly directed at lawyers, its value is not so limited. This new edition—like its predecessors—is a boon to anyone who aspires to write in plain language.

This book, recently published in its second edition, has been described as "a classic in the field."

It dispels the 10 biggest myths about plain language, collects 50 historical highlights, summarizes 60 empirical studies demonstrating the enormous benefits of using plain language in official and legal documents, and contains a wealth of resources for further study.

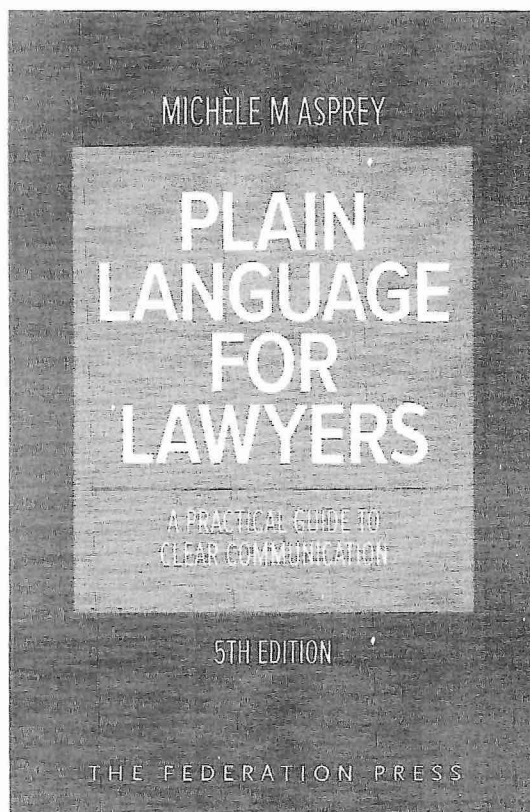
A must for your library, and reasonably priced at US\$25.



...master's research, I discovered several examples that show just the opposite. In Queensland, several prisoners are no longer being sent back to prisons because they have a better understanding of conditions of parole. In the Federal District, the issuing of warrants has been made easier and the process faster, even reducing typing errors. In Portugal, the population began to understand the charges they received, paying their debts voluntarily, generating fewer court cases and costs for people and the courts.

There is also the possibility of using artificial intelligence (Natural Language Processing, or "AI" or "NLP") to create information and visual elements. But there is no room for complacency: Using AI is not a panacea, and it is impossible to do it without careful human supervision to avoid damage such as undesirable algorithmic discrimination.

In the end of the day, given all the above, it is clear that legal language can—and must—be transformed in a way that empowers the population that has no legal training or experience, overcoming the centuries-old vices that have contaminated this language, and, therefore, focusing on its recipients and their needs. Let the future begin!



Michèle M Asprey's

PLAIN LANGUAGE FOR LAWYERS

5th edition

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– Professor Joseph Kimble

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